

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	Civil Case No. 3:09cv0008
Plaintiff/Respondent,	:	Criminal Case No. 3:06cr0154
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
THOMAS L. McCAULEY,	:	
	:	
Defendant/Petitioner.	:	

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**ORDER**

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In light of the United States Supreme Court's recent decision to deny *certiorari* in this case (Doc. #86), it presently appears that Petitioner's direct appeal of his convictions have concluded and that his convictions have therefore become final. *See Clay v. United States*, 537 U.S. 522, 527, 123 S. Ct. 1072 (2003).

Accordingly, the Report and Recommendations filed on February 27, 2009 (Doc. #85) is **WITHDRAWN**, and Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. #83) remains pending on the docket of this Court.

March 17, 2009

s/ Sharon L. Ovington  
Sharon L. Ovington  
United States Magistrate Judge